

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

BARCLAYS BANK (SUISSE) S.A.,
CAIXABANK S.A., as successor by merger to
Barclays Bank S.A., and ZEDRA TRUST
COMPANY (JERSEY) LIMITED (f/k/a Barclays
Private Bank & Trust Limited),

Defendants.

Adv. Pro. No. 11-02569 (CGM)

___ Civ. ___

**DECLARATION OF MARC J. GOTTRIDGE IN SUPPORT OF
THE BARCLAYS DEFENDANTS' MOTION FOR LEAVE TO APPEAL**

I, Marc J. Gottridge, hereby declare under penalty of perjury as follows:

1. I am a member of the bar of this Court, an attorney duly licensed and admitted to practice law in the State of New York, and a partner in Herbert Smith Freehills New York LLP, counsel for Defendants Barclays Bank (Suisse) S.A., Caixabank S.A., as successor by merger to

Barclays Bank S.A., and Zedra Trust Company (Jersey) Limited (together, the “Barclays Defendants”). I respectfully submit this declaration in support of the Barclays Defendants’ motion, pursuant to 28 U.S.C. § 158(a)(3) and Rule 8004 of the Federal Rules of Bankruptcy Procedure, for leave to appeal from the Order Denying the Barclays Defendants’ Motion to Dismiss the Complaint (ECF No. 141), entered by the United States Bankruptcy Court for the Southern District of New York (Hon. Cecelia G. Morris, Bankruptcy Judge) on July 21, 2022, in Adversary Proceeding No. 11-02569 (the “Order”).

2. Attached hereto as Exhibit A is a true and correct copy of the Order.

3. Attached hereto as Exhibit B is a true and correct copy of the Memorandum Decision Denying Defendant’s Motion to Dismiss issued by the United States Bankruptcy Court for the Southern District of New York (Hon. Cecelia G. Morris, Bankruptcy Judge) on July 15, 2022 in Adversary Proceeding No. 11-02569 (CGM), ECF No. 140.

4. Attached hereto collectively as Exhibit C are a series of charts, prepared under my supervision, listing the subsequent transfers that plaintiff Irving H. Picard, Trustee (the “Trustee”) for the Liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) is seeking to recover from the Barclays Defendants in Adversary Proceeding No. 11-02569 (CGM). These charts were prepared based on the exhibits attached to the Trustee’s Complaint, as amended, in that adversary proceeding, which reflect the alleged subsequent transfers based on alleged initial transfers from BLMIS to Fairfield Sentry Limited made (i) prior to and (ii) within the two-year lookback period applicable to avoidance claims under Section 548(a)(1)(A) of the Bankruptcy Code.

5. Attached hereto as Exhibit D is a true and correct copy of an excerpt from the transcript of proceedings held before United States Bankruptcy Court for the Southern District of

New York (Hon. Cecelia G. Morris, Bankruptcy Judge) on June 15, 2022, reflecting the parties' oral arguments on the Barclays Defendants' Motion to Dismiss the Complaint in Adversary Proceeding No. 11-02569.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 22, 2022, in New York, New York.

/s/ Marc J. Gottridge
Marc J. Gottridge